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| 09/704,842 | 11/03/2000 | Ralph S. Buckley | 0019-0001 | 3741 |

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HARRITY & SNYDER, LLP
11240 WAPLES MILL ROAD
SUITE 300
FAIRFAX, VA 22030

| EXAMINER |
|---|
| ROVNAK, JOHN EDMUND |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3713 | |

DATE MAILED: 01/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/704,842 | Applicant(s) BUCKLEY ET AL. | |
|---|---|---|---|
| | Examiner John Rovnak | Art Unit 3713 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 November 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-8,13-17 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramshaw et al (U.S. Pat. 5,791,907).

Regarding claims 1 and 15-17, Ramshaw et al discloses a system for providing medical training over a network [col. 7 lines 1-22] comprising: a memory configured to store instructions [col. 7 line 53–col. 8 line 32] and a plurality of graphical user interfaces relating to medical topics, each graphical user interface including one or more questions; and a processor configured to execute the instructions to receive a medical topic indication, retrieve at least one graphical user interface related to the medical topic, and provide the retrieved at least one graphical user interface over the network to a user. [Fig. 1B, 3, 11, col. 3 lines 49-53, col. 8 lines 63-65, col. 13 lines 49-62, col. 9 lines 29-32, col. 10

line 62 – col. 11 line 3, col. 12 line 9 - col. 13 line 13, especially, col. 21 line 65 – col. 22 line 5]

Regarding claim 2, see col. 13 lines 49-62.

Regarding claim 6, the Ramshaw et al. system is configured to store medical imagery data [Figs. 4A – 11] and associate at least one of the one or more questions with the medical imagery data [col. 21 line 65 – col. 22 line 5].

Regarding claims 7-8, the method claimed is inherent in the use of the system discussed above.

Regarding claim 14, see Figs. 7B and 7C.

Regarding claims 26-27, the system of Ramshaw et al comprises a server configured to store medical imagery objects, transmit one or more graphical user interfaces, receive at least one lesson related to a medical topic, and using the at least one lesson to create a medical training program. See the discussion by Ramshaw et al of the authoring of medical procedures [col. 7 lines 8-22]. During the inherent authoring process, the inventive entity, Ramshaw et al, created or received one or more graphical user interfaces, created the at least one lesson using the graphical user interfaces, the at least one lesson comprising at least one question or statement and being associated with at least one of the medical imagery objects as discussed above. Furthermore, Ramshaw et al inherently would have transferred the at least one lesson to a server. The Ramshaw et al software displays the at least one lesson with the associated at least one medical imagery object.

Regarding claims 5, 13 and 28, Ramshaw et al [col. 7 lines 1-22] discloses the authoring of lessons by remotely located software developers.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramshaw et al. in view of DeNicola et al (U.S. Pat. 6,288,753).

Ramshaw et al discloses a system for providing medical training over a network as discussed above. Ramshaw et al does not discuss the collecting of comments from a user. DeNicola et al discloses a general interactive distance learning system which allows the collecting of comments from a user. [Col. 17 lines 24-27]. It would have been obvious to one of ordinary skill in the art to implement the Message Board technology of DeNicola into the network based system of Ramshaw et al, both being directed to distance learning.

Claims 4, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramshaw et al in view of Ciccone, Jr. et al. (U.S. Pat. 6,338,149).

Regarding claims 4, 11 and 12, first see col. 13 lines 49-62 where an implied audience level indication from the user is received that will provide the basis for a user to determine whether further studies and training in a particular area are necessary. However, Ciccone, Jr. et al specifically teaches the receiving of an audience level indication for the determination of access rights of a user to a computer network. [col. 6 line 59- col. 7 line 3] [ "User level

definitions determine the authorization levels of specific user IDs." "Finally, the lowest level is a user who views only limited information of the system 2." ] Furthermore, it would have been common sense that a medical student, surgeon, primary care provider, housestaff or patient could utilize the Ramshaw et al system but would each obviously benefit from different access levels to the software. Thus, retrieving a user interface based upon audience level would have been obvious to one of ordinary skill in the art in view of Ramshaw et al, Ciccone, Jr. et al and common sense.

Claims 9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramshaw et al in view of Crowley ("College vs. Internet", Eagle-Tribune).

See the above discussion of Ramshaw et al. Ramshaw et al further discloses the determination of a grade for the user [col. 13 lines 49-62]. Crowley teaches the granting of a degree over a network, wherein the granting of credits, including continuing education credits, would have been obvious to one of ordinary skill in the art. It would therefore have been obvious to one of ordinary skill in the art to grant medical education credits to the user of the Ramshaw et al system.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over L'Allier et al (U.S. Pat. 6,039,575) in view of the publication: "Seeking Jefferson at: University of Virginia"

L'Allier et al discloses a computer-readable medium for a training system comprising a hierarchical data structure [col. 5 lines 45-51] of a course (which

could be called a college field) made up of units (which could be called pavilions), which are made up of lessons (seminars), which are made up of topics (exercises), which contain a single objective and an assessment. It would have been obvious to one of ordinary skill in the art that the choice of names for the learning objects of the hierarchical data structure of L'Allier et al were a matter of personal preference by the inventor. Therefore, it would have been obvious to one of ordinary skill that the L'Allier et al learning object data structure could be modeled after the hierarchical plan for the University of Virginia's 19th century Academical Village discussed in the publication: "Seeking Jefferson at: University of Virginia". Since the Academical Village consisted of a College comprised of Pavilions, in which seminars including exercises would likely have been conducted, it would have been obvious to one of ordinary skill in the art that the Academical Village model could be used to describe the hierarchical data structure of L'Allier et al, said description being a matter of design choice and not patentably limiting.

Claims 24 and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by the interactive publication "A Walk through Time" of the NIST Physics Laboratory.

Regarding claim 24, user interaction with the web page of "A Walk though Time" comprises: requesting a web page from a user device, the web page being associated with an image and a textual description of the image; causing the web page and textual description to be displayed on the graphical user interface (example on 1st page: "Ancient Calendars"); retrieving the image; and causing

the image to be displayed on the graphical user interface in a location of the textual description (2nd page: discussion of Ancient Calendars with image). The system of claim 25 is inherent in the method of claim 24.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore et al (U.S. Pat. 6,330,575) teaches methods and systems for designing a Web page. Gillio (U.S. Patent 5,800,178) teaches the presentation of medical related questions (col. 18 lines 15-40). Ramsay et al (U.S. Pat. 5,915,971) discloses a medical training device and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rovnak whose telephone number is (703) 308-3087. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

John Rovnak
Primary Examiner
Art Unit 3713

January 18, 2002